SINGLE BENCH

(4)

(3)

CF 1002

IN THE HONOURABLE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

WRIT PETITION (S) NO. ~~OF 2007~~ 657/07

PETITIONER

Mohammed Habib Khan Son of Rasool Khan, aged about 45 years, Timekeeper, Daily Wages, Hasdeo Barrage Division, Department of Water Resources, Korba (C.G.).

P.N. No. 2351/07
Presented by Shri Alok Bakshi
dated 24/1/07

VERSUS

RESPONDENTS

1. State of Chhattisgarh, Through: The Secretary, Department of Water Resources, D.K.S. Bhawan, Raipur (C.G.).

RECEIVED COPY
22/1/07
CLERK to A. G. BILASPUR

2. The Engineer-in-Chief, Water Resources, Raipur (C.G.).

3. The Chief Engineer, Mini Mata (Hasdeo Project), Bilaspur (C.G.).

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, 1950, FOR ISSUANCE OF WRIT IN THE NATURE OF CERTIORARI, MANDAMUS, ETC. AND FOR OTHER APPROPRIATE WRIT OR WRITS, ORDER OR ORDERS, DIRECTION OR DIRECTIONS.

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. (S) No. 657 of 2007

Petitioner : Mohammed Habib Khan

Versus

Respondents : State of Chhattisgarh & others

Shri Alok Bakshi, Advocate for the petitioner.

Shri Satish Gupta, Deputy Govt. Advocate for the respondents.

O R D E R

(Passed on this 5th day of February, 2007)

1. The petitioner has filed this petition for seeking quashing of the order dated 16.6.2006 (Annexure P/6) whereunder the respondent No.3 has considered and decided the representation of the petitioner and three others, in accordance with law, in compliance of the order dated 4.4.2006 (Annexure P/4) passed by this Court in W. P. No. 370/2002.

2. Learned counsel appearing for the petitioner submits that the respondent No.3 has rejected the case of the petitioner on the basis of a subsequent circular of the year 1999, which was neither quoted nor placed in the previous writ petition on i.e. W. P. No. 370/2002.

3. Be that as it may, the petitioner was engaged as Time Keeper on daily wages basis and the services of the petitioner were never regularized.

4. The petitioner was admittedly appointed on daily wages basis as Time Keeper. The appointment of the petitioner was de-hors the constitutional scheme of the appointment and not in accordance with law. Thus, the petitioner has no right to the post. It is well settled now that a person appointed on daily wages basis, temporary or

ad hoc, de-hors the constitutional scheme of the employment and not in accordance with Rules, Regulations, has no right to the post. If the petitioner has no right to the post, he has no right to regularization on the basis of appointment as daily wages basis which is unconstitutional appointment.

5. For the reasons above-stated and as per the dicta laid down by the Supreme Court in catena of decisions, the petitioner is not entitled for reappointment/reinstatement and regularization in the service.

9. This petition is accordingly dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur